

Prosecutorial District One 2006 Domestic Violence Report

This report presents an overview of the approach employed in District One during 2006 to prosecution of domestic violence (DV) cases and provides some raw statistics on DV cases.

In 2006, the number of domestic violence cases referred by law enforcement agencies to this office continued to rise as it has in the past five years. District One is the second largest district in the state serving York County, an area with a year round population of over 200,000 and a summer population of approximately 350,000. District One is also the fastest growing district in the state averaging a 15% population growth in each of the past five decades.

In 2006, a new team approach to DV was implemented in District One. For the first time one prosecutor assigned to Superior Court and two prosecutors assigned to District Court became the primary individuals to handle DV cases. This has allowed these prosecutors to meet as a team to discuss consistent approaches to prosecution of these cases. This approach also reduces the likelihood of prosecutor shopping or court shopping by the defendant.

In 2006, approximately 13,000 criminal matters were referred to the District Attorney's office: a 20% increase in three years. DV cases account for just under 10% of these matters. For a summary of how District One approaching labeling and tracking DV cases, readers of this report are encouraged to refer to this office's 2005 report.

Since 2002, District One has participated in a DV court project that allows for case dispositions that require the defendant's participation in periodic judicial review before a judge for a period of up to two years after sentencing as well as participation in a certified Batters' Intervention Program (BIP).

The approach of District One is for prosecutors to be active in all aspects of DV criminal matters. Prosecutors assist Police Departments (PDs) in developing investigative tools, training and provide on call, 24 hour, 7 day a week support to individual officers. PDs are encouraged to refer all DV matters to the DA's office even if the officer is in doubt about a charging decision. Prosecutors can then request additional information and make a charging decision.

DV cases will often present significant obstacles that may ultimately prevent a judge or jury from concluding beyond a reasonable doubt that a crime has occurred. These obstacles often include: 1) a lack of physical evidence; 2) a lack of witnesses other than the alleged perpetrator and victim; and 3) changing feelings and most often a decreasing willingness of victims/witness to actively participate in the prosecution as time away from violent incident increases and the day for trial approaches.

District One does not "screen out" from prosecution these difficult cases simply because they may present significant obstacles to eventual prosecution. However, this practice does ultimately reduces the "guilty" percentage as a great number of difficult cases charged will ultimately be dismissed as the ability to try the case diminishes as the trial date approaches.

The reason District One has adopted a practice of always charging in these difficult cases is two-fold: 1) pretrial bail conditions such as not contact, participation in a BIP and requirement of financial support can be set after charges are filed that allow the alleged victim a period of safety and stability where they can begin to get more control over their lives and families; and 2) in a small minority of cases the willingness of the victim/witness to actively participate at trial will increase especially in a safer environment.

Lastly, District One uses a variety of tools to achieve dispositions that aid the alleged victim and implement the intent of the legislature enacting the DV statutes. In strong cases, jail time, probation, administrative release and deferred disposition are used to require the defendant to accept responsibility for their actions and to participate in a BIP program and the judicial review process. In more difficult cases, prosecutors will often defer prosecution while the defendant is placed on restrictions and required to participate in a BIP program and judicial review thus providing up to a year of safety and stability of the alleged victim. This procedure, called "filing", ultimately results in dismissal of the case upon successful completion of the conditions.

Cases initiated in 2006	
Approved	1,164
Prosecution Declined	62
Cases resolved in 2006	
Found Guilty	799
Acquitted	1
Filed / Dismissed	287